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Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Council of Europe; cooperation between the United Nations and the Organization for Security and Cooperation in Europe

The situation in the occupied territories of Azerbaijan

Security Council
Sixtieth year

Letter dated 2 February 2005 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Upon instruction from my Government I have the honour to transmit herewith resolution 1416 (see annex I) and recommendation 1690 (see annex II), both entitled "The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference" and adopted on 25 January 2005 by the Parliamentary Assembly of the Council of Europe, the oldest international parliamentary assembly, comprising members of the Parliaments of 46 European countries.

I should be grateful if the present letter and its annexes were distributed as a document of the General Assembly under items 56 (f), 56 (n) and 163 of the agenda, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative

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Annex I to the letter dated 2 February 2005 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

[Original: English and French]

The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference

Resolution 1416 (2005)

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1. The Parliamentary Assembly regrets that, more than a decade after the armed hostilities started, the conflict over the Nagorno-Karabakh region remains unsolved. Hundreds of thousands of people are still displaced and live in miserable conditions. Considerable parts of the territory of Azerbaijan are still occupied by Armenian forces and separatist forces are still in control of the Nagorno-Karabakh region.

2. The Assembly expresses its concern that the military action, and the widespread ethnic hostilities which preceded it, led to large-scale ethnic expulsion and the creation of mono-ethnic areas which resemble the terrible concept of ethnic cleansing. The Assembly reaffirms that independence and secession of a regional territory from a state may only be achieved through a lawful and peaceful process based on democratic support by the inhabitants of such territory and not in the wake of an armed conflict leading to ethnic expulsion and the de facto annexation of such territory to another state. The Assembly reiterates that the occupation of foreign territory by a member state constitutes a grave violation of that state's obligations as a member of the Council of Europe and reaffirms the right of displaced persons from the area of conflict to return to their homes safely and with dignity.

3. The Assembly recalls Resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) of the United Nations Security Council and urges the parties concerned to comply with them, in particular by refraining from any armed hostilities and by withdrawing military forces from any occupied territories. The Assembly also aligns itself with the demand expressed in Resolution 853 (1993) of the United Nations Security Council and thus urges all member states to refrain from the supply of any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory.

4. The Assembly recalls that both Armenia and Azerbaijan committed themselves upon their accession to the Council of Europe in January 2001 to use only peaceful means for settling the conflict, by refraining from any threat of using force against their neighbors. At the same time, Armenia committed itself to use its considerable influence over Nagorno-Karabakh to foster a solution to the conflict. The Assembly urges both Governments to comply with these commitments and refrain from using armed forces against each other as well as from propagating military action.

5. The Assembly recalls that the Council of Ministers of the Conference for Security and Co-operation in Europe (CSCE) agreed in Helsinki in March 1992 to hold a conference in Minsk in order to provide for a forum for negotiations for a peaceful settlement of the conflict. Armenia, Azerbaijan, Belarus, the former Czech and Slovak Federal Republic, France, Germany, Italy, the Russian Federation, Sweden, Turkey and the United States of America agreed at that time to participate in this Conference. The Assembly calls on these states to step up their efforts to achieve the peaceful resolution of the conflict and invites their national delegations to the Assembly to report annually to the Assembly on the action of their governments in this respect. For this purpose, the Assembly asks its Bureau to create an Ad hoc Committee with inter alia the heads of these national delegations.

6. The Assembly pays tribute to the tireless efforts of the Co-Chairs of the Minsk Group and the Personal Representative of the OSCE Chairman-in-Office, in particular for having achieved a cease-fire in May 1994 and having monitored the observance of this cease-fire since then. The Assembly calls on the OSCE Minsk Group Co-

Chairs to take immediate steps to conduct speedy negotiations for the conclusion of a political agreement on the cessation of the armed conflict, the implementation of which will eliminate major consequences of the conflict for all parties and permit the convening of the Minsk Conference. The Assembly calls on Armenia and Azerbaijan to make use of the OSCE Minsk Process and actively submit to each other via the Minsk Group their constructive proposals for the peaceful settlement of the conflict in accordance with the relevant norms and principles of international law.

7. The Assembly recalls that Armenia and Azerbaijan are signatory parties to the Charter of the United Nations and, in accordance with Article 93, paragraph 1 of the Charter, *ipso facto* parties to the Statute of the International Court of Justice. Therefore, the Assembly suggests that if the negotiations under the auspices of the Co-Chairs of the Minsk Group fail, Armenia and Azerbaijan should consider using the International Court of Justice in accordance with Article 36, paragraph 1 of the Court's Statute.

8. The Assembly calls on Armenia and Azerbaijan to foster political reconciliation among themselves by stepping up bilateral inter-parliamentary co-operation within the Assembly as well as in other forums such as the meetings of the Speakers of the Parliaments of the Caucasian Four. It recommends that both delegations should meet during each part-session of the Assembly to review progress on such reconciliation.

9. The Assembly calls on the Government of Azerbaijan to establish contacts without preconditions with the political representatives of both communities from the Nagorno-Karabakh region regarding the future status of the region. It is prepared to provide facilities for such contacts in Strasbourg, recalling that it did so in the form of a hearing on previous occasions with Armenian participation.

10. Recalling its Recommendation 1570 (2002) on the situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia, the Assembly calls on all member and observer states to provide humanitarian aid and assistance to the hundreds of thousands of people displaced as a consequence of the armed hostilities and the expulsion of ethnic Armenians from Azerbaijan and ethnic Azerbaijanis from Armenia.

11. The Assembly condemns any expression of hatred portrayed in the media of Armenia and Azerbaijan. The Assembly calls on Armenia and Azerbaijan to foster reconciliation, confidence-building and mutual understanding among their peoples through schools, universities and the media. Without such reconciliation, hatred and mistrust will prevent stability in the region and may lead to new violence. Any sustainable settlement must be preceded by and embedded in such reconciliation processes.

12. The Assembly calls on the Secretary General of the Council of Europe to draw up an action plan for specific support to Armenia and Azerbaijan targeted at mutual reconciliation processes and to take this resolution into account in deciding on action concerning Armenia and Azerbaijan.

13. The Assembly calls on the Congress of Local and Regional Authorities of the Council of Europe to assist locally elected representatives of Armenia and Azerbaijan in establishing mutual contacts and inter-regional co-operation.

14. The Assembly resolves to analyse the conflict settlement mechanisms existing within the Council of Europe, in particular the European Convention for the Peaceful Settlement of Disputes, in order to provide its member states with better mechanisms for the peaceful settlement of bilateral conflicts as well as internal disputes involving local or regional territorial communities or authorities which may endanger human rights, stability and peace.

15. The Assembly resolves to continue monitoring on a regular basis the peaceful resolution of this conflict and decides to revert to considering this issue at its first part-session in 2006.

Annex II to the letter dated 2 February 2005 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

[Original: English and French]

The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference

Recommendation 1690 (2005)

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1. The Parliamentary Assembly refers to its Resolution 1416 (2005) on the conflict dealt with by the OSCE Minsk Conference and recommends that the Committee of Ministers:

i. urge the parties concerned to comply with the United Nations Security Council Resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), in particular by refraining from any armed hostilities and by withdrawing military forces from all occupied territories of Azerbaijan;

ii. monitor the compliance by Armenia and Azerbaijan with the United Nations Security Council Resolutions and the decisions of the OSCE Council of Ministers on this conflict and to report to the Assembly on the outcomes of this monitoring;

iii. report to the Assembly on the efforts undertaken by member states for the peaceful settlement of the conflict in accordance with the Resolutions of the United Nations Security Council including whether member states refrain from the supply of any weapons and munitions which might lead to an intensification of the conflict or the continued occupation of territory in violation of Resolution 853 (1993) of the United Nations Security Council;

iv. recalling its Recommendation 1251 (1994) on the conflict in Nagorno-Karabakh, place experts at the disposal of Armenia and Azerbaijan who could help draw up a political status for Nagorno-Karabakh, if they so wish;

v. allocate resources for an action plan of specific confidence-building measures for Armenia and Azerbaijan;

vi. allocate resources for specific training programmes for teachers and journalists from both countries aimed at better mutual understanding, tolerance and reconciliation;

vii. allocate resources for specific action by the European Commission against Racism and Intolerance concerning both countries, in particular with regard to educational institutions and the public media;

viii. instruct its competent steering committee to analyse how far the European Convention for the Peaceful Settlement of Disputes reflects the current requirements of conflict settlement among member states of the Council of Europe and where it should be revised in order to provide an adequate instrument for the peaceful settlement of disputes between the member states of the Council of Europe;

ix. take Resolution 1416 (2005) into account when deciding on action concerning both countries;

x. forward Resolution 1416 (2005) and this Recommendation to the governments of member states with a view to supporting them nationally, bilaterally and internationally.